

REMARKS

Claim 24 has been cancelled without prejudice, and claims 1-23 are pending in the present application. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

1. Specification

The specification has been objected to for failing to provide antecedent basis for the claimed subject matter. In particular, the Examiner asserted that the specification does not provide support for the recitation of growing a gate oxide on the upper surface of the semiconductor substrate such that the gate oxide extends below the upper surface of the semiconductor substrate. Applicants respectfully traverse.

Support for these limitations can be found in the application as filed on pages 8-9 and 11, and in Figures 6-8 of the drawings. As shown in Figures 6 and 7, the gate oxide 22, which becomes an active area (p. 9, para. [026]), is grown on the upper surface of substrate 12 and extends below the upper surface. A corresponding structure of a gate oxide that becomes an active area 36 is shown in Figure 8, which clearly depicts active area 36 extending below an adjacent upper surface of substrate 12.

Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

2. Rejections Under 35 U.S.C. §112

Claims 1-23 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way as to convey to one skilled in the

art that the inventor had possession of the claimed invention at the time the application was filed.

Applicants respectfully traverse.

In particular, the Examiner asserted that the specification does not provide support for the recitation of growing a gate oxide on the upper surface of the semiconductor substrate such that the gate oxide extends below the upper surface of the semiconductor substrate. Applicants respectfully traverse.

As discussed above, support for these limitations can be found in the application as filed on pages 8-9 and 11, and in Figures 6-8 of the drawings.

Accordingly, Applicants respectfully request that the rejection of claims 1-23 under 35 U.S.C. § 112, first paragraph, be withdrawn.

3. Rejections Under 35 U.S.C. § 102

Claim 24 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,343,354 to Lee et al. (hereinafter “*Lee*”) for the reasons set forth on pages 3-4 of the Office Action. Applicants respectfully traverse.

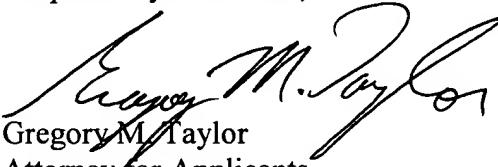
While Applicants disagree with the Examiner’s position, claim 24 has been cancelled to advance the prosecution of the present application. Thus, the rejection of claim 24 is now moot.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the pending claims. In the event the Examiner finds any impediment to the prompt allowance of this application that could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 12th day of August 2003.

Respectfully submitted,


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